

Remarks

The July 12, 2005 Office Action raised an objection to the drawings, and raised enablement and anticipation rejections to the claims. In view of the enclosed submission, the above amendment, and the arguments below, reconsideration is respectfully requested.

Drawing Objection

The Office Action asserted that the gel was mentioned in the claims but not depicted in the drawings, contrary to Rule 1.83(a). Applicants respectfully traverse this finding.

Original Figure 2 is a form of illustration of the gel itself. Hence, the technical requirements of Rule 1.83(a) were met (as the rule does not specify a particular form of drawing, merely that there be a drawing). Note that paragraph [0015] of the original specification described a preferred gel as having x, y and z projection values of 9, 5 and 7 respectively. This, together with the original Fig. 2 illustration, is adequate compliance with Rule 1.83(a).

In any event, Applicants have no objection to submitting the enclosed Figure 3, which is essentially identical to Fig. 1 but now is described as showing the gel exposed with the cover removed. This is believed to directly address the Office's comments that as originally described the cover was described as hiding the shape of the gel in Fig. 1. Of course, now that the cover has been removed, a reference numeral 4 (referring to the gel), rather than 3 (referring to the cover), is used in Fig. 3.

One skilled in the art would readily appreciate from Applicants' original disclosure that this is what was intended by original Fig. 1 and the specification. In this regard, there is a standard practice in this art of making such covers closely track the shape of such gels, for among other reasons to support the gels during shipment. A failure to do so would

be expected to lead to distortions in the shape of the gel, and possibly cracks in the gel, during shipment. See generally 5,422,078, Figure 3 of 5,746,019, 3,730,434, and Figure 2 of U.S. patents 3,910,945, all of which are already of record.

Enablement Rejection

Turning now to the enablement rejection, as noted above, paragraph [0015] provides projection dimensions for at least one preferred embodiment of the invention. Given this, and given the Figure 1 disclosure, it is submitted that one of ordinary skill in this art would have been enabled to readily construct at least one embodiment that worked in accordance with the invention.

With respect to the Office Action's inquiry regarding how these dimensions could achieve the advantages stated, it should be noted that the preferred designs of the present invention are elongated as distinguished from circular in cross section, and further preferably taper vertically. When the length and width of the gel shrink during usage, much less side surface area is therefore lost than in a circular cross section gel. Further, since the smallest tapered portion (at the top) is lost first during use, and since that loss removes less side surface area, the result is a more consistent release rate.

Anticipation Rejections

A. With respect to U.S. patent 3,730,434, it does not disclose that the x, y, and z dimensions must have different values. In fact, the only design disclosed appears to be circular in horizontal cross section. In this regard, screw threads 15 and 26 can only work in a circular cross section structure (column 2, lines 57 and 58 and column 4, lines 5, 8, and 9). Hence, the x and y dimensions must be identical.

In addition, the impregnated "wick" in the reference is formed of a urethane foam rather than a gel (Abstract, lines 5 and 6; column 1, line 58; and column 3, lines 2 and 35). Hence the gel limitation is not met.

Further, nothing in the reference asserts a relatively constant release rate. Hence, the advantages of the invention are not met.

B. With respect to U.S. patent 5,746,019, it does not specifically disclose that the x, y, and z dimensions have different values. The only specific design disclosed is circular in horizontal cross section (column 2, line 67 to column 3, line 1; and column 3, lines 59 and 60). In this regard, screw spiral threads/groove 34/32 can only work in a circular cross section structure (column 4, lines 61-65 and column 4, line 67 to column 5, line 1). Hence, the x and y dimensions must be identical, and the claim is therefore not met.

In addition, the reference does not disclose that the "wick" is made of a gel material. The specific embodiments disclosed are all non-gel materials such as cotton fibers, polyester fibers, and gauze material (column 3, lines 63-65). Thus, again the claims are not met.

Further, nothing in the reference asserts a relatively constant release rate. Accordingly, the reference does not achieve the advantages of the invention.

C. With respect to U.S. patent 5,422,078, a relatively rigid thermoplastic material rather than a gel material is used to entrap and then provide a scent to the environment (column 2, lines 53-59). In this regard, the thermoplastic material is said to be advantageous over gel materials (column 3, lines 38-43). Hence, the claims are clearly not met with respect to the gel limitation.

In addition, most embodiments disclosed by U.S. patent 5,422,078 have a holder or housing that always covers the scent providing material during dispensing (column 4, lines 32-35; column 5, lines 39 and 40; Figs. 11-13 and related text; and column 7, lines 50-52, 66, and 67). For the refrigerator shelf 12 (Fig. 10) and jewelry pieces 20d and 20g (Figs. 14 and 14C) that are made of the scent providing material and not covered by a holder or housing, they are not a gel which shrinks over time and has a different starting and finishing dimension. Hence, the claims, as now amended, are clearly not met by the structures of Figs. 10, 14, and 14C. Note in this regard the insertion of the word "different" in claim 1.

With respect to the embodiments of Figs. 5A and 5B, they have identical x and y dimensions and thus also do not meet the claims.

Conclusion

In view of the above amendment and remarks, reconsideration and allowance of amended claims 1-3 is respectfully requested. No additional fee is believed necessary for the entry and consideration of this amendment. However, if one is, please charge the amount of the fee to Deposit Account 10-0849.

Respectfully submitted,

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Please amend the drawings by adding a Fig. 3. The enclosed sheet labeled "New Sheet" depicts that Fig. 3.